IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18677 of 2004

Between:

Ankireddy Chenna Reddy, S/o. Chenna Reddy,
Papireddipalli (V), Kasinayana Mandal,
Kapada District.

..... PETITIONER

AND

1 The Executive Engineer A.P. Transco, Porumamilla, Kadapa District.
2 The Mandal Revenue Officer, Avadutha Kasinayna Mandal, Kadapa District.
3 The Assistant Divisional Engineer, (Electricity) Porumamilla, Kadapa District.
4 A. Bala Chenna Reddy, S/o. Chenna Reddy,
R/o. Papireddypalli, Kasinayana Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondents in not taking action in pursuance to Proc. Ref.B/97/04, dt. 09-7-2004 for disconnecting the Power supply to the bore well of Respondent No. 4, and closure of bore well dug in Sy.No. 1526/1, of Papireddypalli, Avadutha Kasinayana Mandal, Kadapa District under A.P. Water, Land & Trees Act, 2002.

Counsel for the Petitioner: SMT.N.SHOBA.

Counsel for Respondent Nos. 1 to 3: SMT.M.VINOBHA DEVI, S.C. for

AP Transco.

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioner and Smt. M.Vinobha Devi, learned Standing Counsel for A.P.Transco for respondents 1 to 3, and with the consent of both the counsel main writ petition itself is disposed of at the admission stage.

This writ petition is filed complaining non-implementation of the order passed by the 2nd respondent. The 2nd respondent by impugned order dated 09-07-2004, on the complaint made by the petitioner, concluded that the 4th respondent dug a bore well and obtained electricity power connection without permission. In view of the same, his electricity connection to the bore well should be disconnected.

Unless the over-exploited areas have been notified and declared under sub-Section (1) of Section 11 of A.P. Water, Land & Trees Act, 2002 (for short 'the Act') or any prohibition is issued for water pumping in the particular area under Section 9 of the Act, permission for digging new bore well does not arise.

In view of the same, no Mandamus as such can be issued to the respondents 1 and 2 to implement the order, which is obviously passed by the 2nd respondent without following the procedure contemplated under Sections 9 and 10 of the Act.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

12-10-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Executive Engineer A.P. Transco, Porumamilla, Kadapa District.
2 The Mandal Revenue Officer, Avadutha Kasinayna Mandal, Kadapa District.
3 The Assistant Divisional Engineer, (Electricity) Porumamilla, Kadapa District.
4. Two CD copies.